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IR-1609 (2-1941)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Daniel M. Kinzer

Serial No.: 09/292,186

Filed: April 15, 1999

For: P-CHANNEL TRENCH MOSFET STRUCTURE

Date: October 17, 2005

Confirmation No.: 3190

Group Art Unit: 2811

Examiner: Shouxiang HU

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER 2800

**PETITION TO REOPEN PROSECUTION OF  
PATENT APPLICATION UNDER 37 CFR § 1.198**

Sir:

The Patent Office is petitioned under 37 CFR §1.198 to reopen prosecution in the above-identified application following a Decision of the Board of Patent Appeals and Interferences dated August 17, 2005 in order to consider matters not already adjudicated.

Applicant's invention is directed at a P-channel trench-type MOSFET. In the most recent Office Action dated December 3, 2002, the Examiner rejected the claims of the application under 35 USC 103 as being obvious over Floyd et al., U.S. Patent 6,090,716 (hereinafter Floyd), stating that Floyd teaches a trench-type MOSFET that differs from the claimed invention only in polarity and that it would be obvious to one skilled in the art to reverse the polarity. Applicant appealed the Examiner's rejection of December 3, 2002 to the Board of Patent Appeals and Interferences and substantially argued that it would be nonobvious to one skilled in the art to reverse the polarity of the Floyd device.

In response to a subsequent Answer by the Examiner, applicant filed a Reply Brief submitting that in addition to the polarity difference, the device of Floyd differs from applicant's invention in at least two additional ways. First, the device of Floyd has an undoped polysilicon layer on a bottom surface thereof as compared to applicant's device, which has a bottom side drain contact made of metal. Second, applicant's device may have a source contact connected to an epitaxially deposited channel layer, whereas Floyd and the additional references cited by the Examiner fail to teach such a limitation.

In filing its Reply Brief, applicant requested an extension of time. However, applicant inadvertently requested that time extension under 37 CFR §1.136(a) rather than 37 CFR §1.136(b). As a result, the Reply Brief was not entered.

In its Decision dated September 27, 2004, the Board affirmed the Examiner's rejection of the claims over Floyd. Applicant subsequently filed a Request for Rehearing and therein requested that the Board enter and review applicant's Reply Brief. In its Decision dated August 17, 2005, the Board denied entry of the Reply Brief and affirmed its Decision of September 27, 2004.

Applicant respectfully submits that the matters presented in applicant's Reply Brief and not adjudicated by the Board show that the device of Floyd is structurally different from the device of the present application and that Floyd thereby does not obviate applicant's invention. Accordingly, applicant respectfully requests that prosecution of this application be reopened in order to have these matters considered.

Applicant submits with this petition a Request for Continued Examiner under 37 CFR §1.114 and an accompanying amendment that amends the claims and further addresses the above matters. Copies of the RCE and accompanying amendment are attached.

This Petition is being filed within the allotted two months of the mailing date of the Board's Decision of August 17, 2005. In addition, applicant has not filed a notice of appeal to the Federal Circuit and has not commenced a civil action in federal district court. As such, this

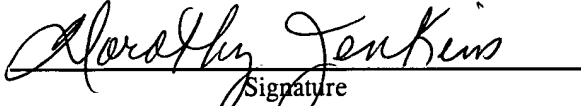
Petition is believed to be proper and timely. It is believed that there is no fee due in connection with this petition. However, if a fee is due, it should be charged to our Deposit Account No. 15-0700.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label # EV606187923US) in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 17, 2005:

Dorothy Jenkins

Name of Person Mailing Correspondence

  
Signature

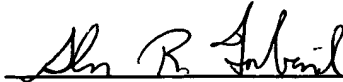
October 17, 2005

Date of Signature

SHW/GRF:db

Attachment

Respectfully submitted,



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